

THE STATE OF NEW HAMPSHIRE

ATTORNEY GENERAL
GREGORY H. SMITH

DEPUTY ATTORNEY GENERAL
DEBORAH J. COOPER



THE ATTORNEY GENERAL

STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6397

April 28, 1983

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Mr. James R. MacKay, Chairman
New Hampshire State Council on Aging
14 Depot Street
Concord, New Hampshire 03301

Re: Opinion Request on New Right to Know Law

Dear Mr. MacKay:

You have asked for an opinion whether activities of official committees of the State Council on Aging are subject to RSA 91-A, the so-called Right to Know law. Our informal opinion is that meetings and deliberations of official committees of the State Council on Aging are within RSA 91-A, and such committees must comply with provisions of the statute.

The Right to Know law, of course, requires that meetings of public bodies concerning their official activities be open to the public. On its face, the law does not specifically apply to committees of State commissions or bodies such as the State Council on Aging. RSA 91-A:1-a defines public proceedings as, inter alia:

"the transaction of any actions affecting any or all citizens of the State by any of the following:

...

III. any board or commission of any state agency or authority".

But the law does not expressly exempt the activities of committees of bodies which are otherwise subject to its provisions, and



(the question, therefore, is whether the definition in RSA 91-A:1-a,III, referred to above, should be read to include the committees of agencies such as the State Council on Aging. We believe that the statute should be construed to include committees of the State Council on Aging.

(The purpose of RSA 91-A is set forth in Section 1 of Chapter 91-A, and states, in part, as follows: "[t]he purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." If RSA 91-A were construed so as to exclude the deliberations and actions of committees of agencies subject to its provisions, the basic purpose of the statute could, in large measure, be frustrated. In a somewhat analogous case, the New Hampshire Supreme Court determined that an advisory committee appointed by a city, while not specifically subject to similar language in RSA 91-A:1-a,IV, was subject to the provisions of the Right to Know law. Bradbury v. Shaw, 116 N.H. 388, 390 (1976). The Court there found that the committee's "involvement in governmental programs and decisions" was such as to subject the committee to the provisions of the Right to Know law. Id. Here, of course, there can be no claim that the committees of the State Council on Aging are not directly involved in the functions and activities of the Council. Therefore, following the Court's analysis in Bradbury, we construe that the committees are subject to the Right to Know law. See also, Herron v. Northwood, 111 N.H. 324 (1971) (Budget committee of town subject to RSA 91-A).

In sum, our opinion is that committees of the State Council on Aging are subject to the provisions of the State's Right to Know law, RSA 91-A. Please contact me if you have any questions concerning this opinion. Although I am not sure it is necessary, in response to your request that I attend a Council meeting, I would be willing to meet with the State Council on Aging concerning this opinion.

Very truly yours,



Bruce E. Mohl
Assistant Attorney General
Division of Legal Counsel

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